

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JAMES PAUL AERY,

Case No. 20-CV-1958 (PJS/LIB)

Plaintiff,

v.

ORDER

KYLE NOHRE, in his Official and
Individual Capacity,

Defendant.

Plaintiff James Paul Aery commenced this action on September 14, 2020, against defendant Kyle Nohre, who is a deputy sheriff employed by Beltrami County. ECF No. 1. Aery alleged that Nohre had used excessive force against him by “losing control of [his] K9.” *Id.* at 6. Nearly ten months after Aery filed his complaint, Magistrate Judge Leo I. Brisbois recommended that this Court dismiss the complaint for Aery’s failure to comply with court orders and for his failure to prosecute. ECF No. 17. This Court adopted Judge Brisbois’s Report and Recommendation and dismissed Aery’s lawsuit without prejudice on August 4, 2021. ECF No. 18.

A month later, Aery wrote to this Court and asked for his case to be reopened. ECF No. 21. The Court denied his request on November 8, 2021, explaining, “Aery fails to provide any details [to explain his failure to comply with court orders or prosecute his case]; in particular, Aery does not explain why he has been unable to file a properly

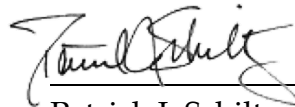
completed USM-285—a simple half-page form—despite being ordered to do so on February 1, and despite being able to submit at least five motions or notices to the Court since February 1.” ECF No. 22.

On December 27, 2021, this Court received another request from Aery to reopen his case. ECF No. 23. Aery did not, however, provide the information identified by the Court in its November 8 order, and thus his pending request is denied for the same reasons that his prior request was denied.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT plaintiff’s request to reopen [ECF No. 23] is DENIED.

Dated: December 30, 2021

A handwritten signature in black ink, appearing to read "Patrick J. Schiltz", written over a horizontal line.

Patrick J. Schiltz
United States District Judge